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ANTHONY OLIVER,
Plaintiff,
vs.
SQUARE, INC.,
Defendant.

Case No. 19-CV-04110-JSC

**DECLARATION OF
ROSE LEDA EHLER IN SUPPORT
OF DEFENDANT SQUARE, INC.'S
MOTION TO ENLARGE TIME TO
RESPOND TO PLAINTIFF'S
COMPLAINT**

Judge: Hon. Jacqueline Scott Corley
Crtrm: F, 15th Floor

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1 **DECLARATION OF ROSE LEDA EHLER**

2 I, Rose Leda Ehler, hereby declare:

3 1. I am admitted to practice before all of the courts of the State of
4 California and this Court. I am a partner at the law firm of Munger, Tolles &
5 Olson LLP and counsel of record for Defendant Square, Inc. (“Square”) in the
6 above-captioned matter. I have personal knowledge of the facts set forth in this
7 declaration, and, if called as a witness, I could and would testify competently to the
8 matters set forth herein

9 2. Square very recently retained Munger Tolles & Olson to represent it in
10 this matter.

11 3. I understand that Plaintiff’s Complaint was served on Square on
12 November 18, 2019, Dkt. No. 17, and that Square’s response is therefore due on
13 December 9, 2019.

14 4. In my judgment, an extension of 21 days to respond to Square’s
15 Complaint would provide Square and its outside counsel the necessary time to
16 review and investigate the factual allegations of Plaintiff’s Complaint and file a
17 response that would best assist the Court. In particular, Square needs to investigate
18 whether Plaintiff entered into an arbitration agreement with Square to determine
19 whether a Rule 12(b)(1) motion to compel arbitration and dismiss the case is
20 appropriate here. The initial time to respond included the Thanksgiving holiday
21 week, November 28 and 29, during which time I understand that Square’s offices
22 were closed and Square’s investigator was not available to begin his work. Given
23 the sparse factual allegations in Plaintiff’s Complaint regarding his telephone
24 number or other interactions with Square, I understand it may take substantial time
25 to determine whether Plaintiff did (or did not) enter into an arbitration agreement.

26 5. Further, based on my initial research, it appears that Plaintiff has a
27 history of frivolous and vexatious litigation that may be relevant to this action. In
28 particular, it appears that Plaintiff may have filed in Northern District of California

1 to avoid pre-filing requirements in the Southern District of Georgia, the jurisdiction
2 in which the events allegedly took place. The requested extension of time will allow
3 me and my colleagues to research this history and, if appropriate, move for relief.

4 6. Plaintiff is currently incarcerated and has provided the Court with only
5 a mailing address for contact information. Given the already-short window to
6 respond, I was not able to seek his stipulation to this extension before filing this
7 motion with the Court.

8 7. If the Court denies the requested extension, Square will be forced to
9 respond to Plaintiff's Complaint without the benefit of a full investigation and in a
10 very limited period of time. In addition, in my judgment, absent relief, Square's
11 response will be less likely to streamline the issues because Square will not have
12 sufficient time to review Plaintiff's claims and determine whether it should move to
13 compel arbitration or file a different response to Plaintiff's Complaint. Moreover, if
14 Square determines that it should move to compel arbitration, then requiring Square
15 to first respond with an answer or dispositive motion would, in my judgment, result
16 in a waste of resources.

17 ||| 8. There have been no previous time modifications in this case.

18 9. In my judgment, granting Square the requested extension is highly
19 unlikely to have any material effect on the case schedule or prejudice Plaintiff in any
20 way. The Court has not yet established a schedule for this matter.

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct.

24 Executed on this 4th day of December, 2019, at Los Angeles, California.

Rose Leda Ehler